

UNITED STATES DISTRICT COURT
 for the
 District of Arizona

10/13/17

United States of America)
v.)
Jorge Adalberto Rodriguez Rodriguez,)
a.k.a.: Jorge Rodriguez Rodriguez,)
(A095 801 597))
<u>Defendant</u>)

Case No. 17 - 7497 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 27, 2015, in the County of Navajo, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jorge Adalberto Rodriguez Rodriguez, an alien, was found in the United States of America at or near Holbrook, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about April 21, 2009, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

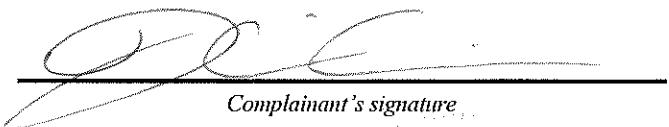
This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Amy Brown

Continued on the attached sheet.


 Complainant's signature

Darrin J. McNeill,
 Deportation Officer
Printed name and title

SCANNED

Sworn to before me and signed in my presence.

Date: October 16, 2017


 Judge's signature

Bridget S. Bade,
 United States Magistrate Judge
Printed name and title

City and state: Phoenix, Arizona

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 27, 2015, Jorge Adalberto Rodriguez Rodriguez was booked into the Navajo County Jail (NCJ) intake facility by the Arizona Department of Public Safety on local charges. While incarcerated at the NCJ, Rodriguez Rodriguez was examined telephonically by Deportation Officer V. Lozano who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the NCJ. On November 1, 2015, Rodriguez Rodriguez was transferred to ICE custody, and released due to prosecutorial discretion. On October 12, 2017, Rodriguez Rodriguez was booked into the Maricopa County Jail (MCJ) intake facility by the El Mirage Police Department on local charges. While incarcerated at the MCJ, Rodriguez Rodriguez was examined by Deportation Officer K. Madill who determined him to be a citizen of Mexico, illegally present in the United States. On October 13, 2017, an immigration detainer was lodged with the MCJ. On October 13, 2017, Rodriguez Rodriguez was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing.

Rodriguez Rodriguez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.

3. Immigration history checks revealed Jorge Adalberto Rodriguez Rodriguez to be a citizen of Mexico and a previously deported alien. Rodriguez Rodriguez was removed from the United States to Mexico through Nogales, Arizona, on or about April 21, 2009, pursuant to an order of removal issued by an immigration judge. There is no record of Rodriguez Rodriguez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Rodriguez Rodriguez's immigration history was matched to him by electronic fingerprint comparison.
4. On October 13, 2017, Jorge Adalberto Rodriguez Rodriguez was advised of his constitutional rights. Rodriguez Rodriguez freely and willingly agreed to provide a statement under oath. Rodriguez Rodriguez stated that his true and complete name is Jorge Adalberto Rodriguez Rodriguez and that he is a citizen of Mexico. Rodriguez Rodriguez stated that he illegally entered the United States on April 28, 2009, through Agua Prieta, Sonora. Rodriguez Rodriguez further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.

5. For these reasons, this affiant submits that there is probable cause to believe that on or about October 27, 2015, Jorge Adalberto Rodriguez Rodriguez, an alien, was found in the United States of America at or near Holbrook, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about April 21, 2009, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 16th day of October, 2017.



Bridget S. Bade,
United States Magistrate Judge